MOTION FILED
OCT 31 1977

IN THE

Supreme Court of the United States

OCTOBER TERM, 1978

No. 77-26

ELIZABETH JANE YOUNG CHIN,

Petitioner,

—against—

UNITED STATES OF AMERICA,

Respondent.

No. 77-32

KENNETH R. CHIN,

Petitioner,

—against—

UNITED STATES OF AMERICA,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

MOTION OF THE ASIAN LAW CAUCUS, INC.; THE SANTA CLARA COUNTY ASIAN LAW ALLIANCE, INC.; PACIFIC/ASIAN COALITION; JAPANESE AMERICAN CITIZENS LEAGUE (EASTERN DISTRICT); ORGANIZATION OF CHINESE AMERICANS (NEW YORK CHAPTER); ASIAN AMERICAN WOMEN'S CAUCUS; ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT, INC.; VISUAL COMMUNICATIONS/ASIAN AMERICAN STUDIES CENTRAL, INC.; ASIAN AMERICAN RESOURCE CENTER; COUNCIL ON INTERRACIAL BOOKS FOR CHILDREN, INC.; CLARK, PHIPPS, CLARK & HARRIS, INC.; NINGAS-COGON; CHINESE-AMERICAN CULTURE AND WELFARE FOUNDATION; ASIAN-AMERICAN STUDENT ASSOCIATION OF THE UNIVERSITY OF MASSACHUSETTS; ASIAN-AMERICAN ASSOCIATION OF THE HUNTER COLLEGE SCHOOL OF SOCIAL WORK; TRI-BASE COLLECTIVE; AND SALSA SOUL SISTERS FOR LEAVE TO FILE BRIEF *AMICI CURIAE* AND BRIEF *AMICI CURIAE*

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On Writ of Certiorari to the
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MOTION OF THE ASIAN LAW CAUCUS, INC.; THE SANTA CLARA COUNTY ASIAN LAW ALLIANCE, INC.; PACIFIC/ASIAN COALITION; JAPANESE AMERICAN CITIZENS LEAGUE (EASTERN DISTRICT); ORGANIZATION OF CHINESE AMERICANS (NEW YORK CHAPTER); ASIAN AMERICAN WOMEN'S CAUCUS; ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT, INC.; VISUAL COMMUNICATIONS/ASIAN AMERICAN STUDIES CENTRAL, INC.; ASIAN AMERICAN RESOURCE CENTER; COUNCIL ON INTERRACIAL BOOKS FOR CHILDREN, INC.; CLARK, PHIPPS, CLARK & HARRIS, INC.; NINGAS-COGON; CHINESE-AMERICAN CULTURE AND WELFARE FOUNDATION; ASIAN-AMERICAN STUDENT ASSOCIATION OF THE UNIVERSITY OF MASSACHUSETTS; ASIAN AMERICAN ASSOCIATION OF THE HUNTER COLLEGE SCHOOL OF SOCIAL WORK; TRI-BASE COLLECTIVE; AND SALSA SOUL SISTERS FOR LEAVE TO FILE BRIEF AMICI CURIAE

The Asian Law Caucus, Inc., the Santa Clara County Asian Law Alliance, Inc., the Pacific/Asian Coalition, the Japanese American Citizens League (Eastern District), the Organization of Chinese Americans (New York Chapter), the Asian American Women's Caucus, the Asian Americans for Community Involvement, Inc., the Visual Communications/Asian American Studies Central, Inc., the Asian American Resource Center, the Council on Interracial Books for Children, Inc., Clark, Phipps, Clark & Harris, Inc., Ningas-Cogon, the Chinese-American Culture and Welfare Foundation, the Asian-American Student Association of the University of Massachusetts, the Asian-American Associa-

tion of the Hunter College School of Social Work, the Tri-Base Collective, and the Salsa Soul Sisters respectfully move, pursuant to Rule 42 of this Court's rules, to file the within brief amici curiae. Counsel for the petitioners have consented to the filing of this brief; the Solicitor General has not responded to our request for consent.*

The aforementioned organizations are deeply concerned about the protection of civil rights of all Asian Americans. The issues in this case have broad significance for the Asian American community. Our major concern centers on the racially prejudicial inferences contained in the affidavit of the United States Secret Service to support their search warrant application. Furthermore, this case raises important questions concerning the legal standard to be applied in determining the sufficiency of search warrant affidavits containing false statements. Since these issues have ramifications that extend beyond the particular case before the Court, we seek the opportunity to present our views on this matter and respectfully move for leave to file this brief.

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*Copies of the letters from petitioners and the requests for consent from the Solicitor General are being lodged with the Clerk.

Respectfully submitted,

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October 24, 1977

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1978

No. 77-26

ELIZABETH JANE YOUNG CHIN,

Petitioner,

-against-

UNITED STATES OF AMERICA,

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BRIEF OF THE ASIAN LAW CAUCUS, INC.; THE SANTA CLARA COUNTY ASIAN LAW ALLIANCE, INC.; PACIFIC/ASIAN COALITION; JAPANESE AMERICAN CITIZENS LEAGUE (EASTERN DISTRICT); ORGANIZATION OF CHINESE AMERICANS (NEW YORK CHAPTER); ASIAN AMERICAN WOMEN'S CAUCUS; ASIAN AMERICANS FOR COMMUNITY INVOLVEMENT, INC.; VISUAL COMMUNICATIONS/ASIAN AMERICAN STUDIES CENTRAL, INC.; ASIAN AMERICAN RESOURCE CENTER; COUNCIL ON INTERRACIAL BOOKS FOR CHILDREN, INC.; CLARK, PHIPPS, CLARK & HARRIS, INC.; NINGAS-COGON; CHINESE-AMERICAN CULTURE AND WELFARE FOUNDATION; ASIAN-AMERICAN STUDENT ASSOCIATION OF THE UNIVERSITY OF MASSACHUSETTS; ASIAN-AMERICAN ASSOCIATION OF THE HUNTER COLLEGE SCHOOL OF SOCIAL WORK; TRI-BASE COLLECTIVE; AND SALSA SOUL SISTERS AS AMICI CURIAE

Interest of Amici Curiae

The Asian Law Caucus, Inc., is a non-profit community law office dedicated to providing legal and educational services to Asian American communities in the San Francisco Bay Area. The Asian Law Caucus attempts to overcome discrimination against Asian Americans by providing bilingual legal counselling and representation for people who could not otherwise obtain adequate legal help, and by lecturing and educating Asian Americans about their legal rights and alternatives. Since its incorporation in 1972, the Asian Law Caucus,

Inc. has represented Asian Americans in the areas of employment, problems of the elderly and housing.

The Santa Clara County Asian Law Alliance, Inc., is a non-profit community organization that provides legal services to low-income people. It was created to inform Asian and Pacific peoples about their legal rights and available social services, and to educate community agencies about the particular problems of Asian Americans.

The Pacific/Asian Coalition is a national organization of peoples of Asian and Pacific Islander ancestry living in the United States. The aims of the Coalition are to advocate and facilitate human services for Asian and Pacific Island Americans; to provide technical assistance to Asian and Pacific Island Americans in developing locally-determined human service programs; and to educate people about issues affecting the lives of Asian and Pacific Island Americans. The Mid-Atlantic Region consists of the local affiliates of New York, New Jersey, Pennsylvania, Delaware and the District of Columbia.

The Japanese American Citizens League is a civil and human rights organization whose primary purpose is to protect the civil rights of persons of Japanese and other Asian ancestries in the United States. The Eastern District consists of the New York, Philadelphia, Seabrook and Washington, D.C. chapters.

The Organization of Chinese Americans (New York Chapter) is a non-profit, non-partisan civic and civil rights advocacy organization of concerned Chinese Americans whose aims are to secure the inherent rights as Americans and to generate action programs of interest to Chinese and other Asian Americans.

The Asian American Women's Caucus seeks to influence the legislative process in order to assure political, social and economic equality for Asian American women.

Asian Americans for Community Involvement, Inc., provides advocates for Asian Americans threatened with the loss of basic services.

Visual Communications/Asian American Studies Central, Inc., is a non-profit educational media organization composed of educators, parents, students, and media specialists. Since 1971, the organization has developed educational materials that depict Asian Americans in non-stereotypic, multi-dimensional roles.

The Asian American Resource Center is composed of individuals of diverse racial and national backgrounds who have come together to create a multi-media resource center. The photographs, periodicals, books and films which they collect depict the everyday lives of Asian people in the United States from the mid-1800's to the present. Their interest in this case stems from the legacy of discrimination against Asian Americans in the courts and in Congress which their research has uncovered.

The Council on Interracial Books for Children, Inc., is a non-profit organization founded in 1966 by a group of librarians, teachers and writers concerned with racism and sexism in children's books. The Council critiques school materials and has produced a special bulletin on Asian American images in children's literature.

Clark, Phipps, Clark & Harris, Inc., founded by Dr. Kenneth B. Clark, is a management consultant firm experienced in dealing with race relations and equal employment practices.

Ningas-Cogon is the only monthly periodical for Filipino and Filipino-Americans in the United States. The magazine reports on legal developments affecting Asian Americans.

The Chinese-American Culture and Welfare Foundation is a membership organization dedicated to the well-being of Chinese-Americans.

The Asian-American Student Association of the University of Massachusetts is an organization of undergraduate and graduate Asian American students of the University of Massachusetts at Amherst.

The Asian-American Association of the Hunter College School of Social Work is comprised of graduate students concerned with educational activity and social action affecting Asian Americans.

The Tri-Base Collective, an organization of Asian, Hispanic, Native American and black men, deals with problems of Third World men in the areas of education and employment through legal referrals and counselling.

The Salsa Soul Sisters is a group of black, Asian and Hispanic women who study the problems which confront women and Third World people. Through education and counselling, the organization seeks to rectify the wrongs that affect these groups.

REASONS FOR GRANTING THE WRIT

We hereby concur with and adopt the arguments set forth in the brief amicus curiae submitted by the Asian-American Legal Defense and Education Fund to this Court on September 23, 1977. We therefore urge that the Court issue a writ of certiorari to review the judgment below.

Respectfully submitted,

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October 24, 1977

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